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| 10/659,203 | 09/10/2003 | Joy Sawyer Bloom | AD6930 US NA | 5565 |

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LEGAL PATENT RECORDS CENTER
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WILMINGTON, DE 19805

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| EXAMINER |
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WOODWARD, ANA LUCRECIA

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| ART UNIT | PAPER NUMBER |
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1796

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| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

03/06/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-Legal.PRC@usa.dupont.com

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/659,203 | Applicant(s) BLOOM, JOY SAWYER | |
| | Examiner Ana L. Woodward | Art Unit 1796 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 2-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 15, 2005.

Claim Rejections - 35 USC § 112

2. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification, as originally filed, fails to provide express support for the polyimide species as the thermoplastic material. Accordingly, said species is deemed new matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 6-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,844,036 (Hughes) as per reasons of record.

It is maintained that it would have been obvious to one having ordinary skill in the art to have employed graphite in combination with mica in the composition of Hughes with the reasonable expectation of success. This is because the highly-filled polyaryletherketone

Art Unit: 1796

composites can contain *carbon fiber* as the reinforcing fiber filler (a), *mica* as the immobilizing filler (b) and *graphite* as the third filler type. Furthermore, given that graphite and mica are each individually disclosed as suitable immobilizing fillers (column 7, line 38), it would have been obvious to one having ordinary skill in the art to have used a blend of graphite and mica, for their expected additive effect, as the immobilizing filler component in combination with the carbon fiber and polyaryletherketone. It is prima facie obvious to combine two materials each of which is taught by the prior art to be useful for the same purpose in order to form a composition which is to be used for the very same purpose. The idea of combining them flows logically from their having been individually taught in the prior art.

Response to Arguments

5. Applicant's arguments filed December 17, 2007 regarding the Hughes reference have been fully considered but they are not persuasive.

It is maintained that it would have been obvious to one having ordinary skill in the art to have employed graphite in combination with mica in the composition of Hughes with the reasonable expectation of success. This is because the highly-filled polyaryletherketone composites can contain carbon fiber as the reinforcing fiber filler (a), mica as the immobilizing filler (b) and graphite as the third filler type. Furthermore, given that graphite and mica are each individually disclosed as suitable immobilizing fillers (column 7, line 38), it would have been obvious to one having ordinary skill in the art to have used a blend of graphite and mica, for their expected additive effect, as the immobilizing filler component in combination with the carbon fiber and polyaryletherketone. It is prima facie obvious to combine two materials each of which is taught by the prior art to be useful for the same purpose in order to form a composition which

Art Unit: 1796

is to be used for the very same purpose. The idea of combining them flows logically from their having been individually taught in the prior art.

Applicants' reliance on Table 2 of the specification to show that only the specific compositions presently claimed have low coefficients of friction has been noted. However, due to the confusing nature of the data set forth therein, e.g., PP not identified, unfixed variables, etc. it is not seen that said experimental report evinces applicants' alleged surprising results.

6. Applicant's arguments, filed December 17, 2007, with respect to the George et al reference have been fully considered and are persuasive. The rejection over George et al has been withdrawn.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 1796

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (571) 272-1082. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ana L. Woodward/
Primary Examiner
Art Unit 1796

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